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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA RUIC KIMBALL,

Defendant.

CASE NO. 1:23-cr-00221-ADA-BAM

18 U.S.C. § 933(a) – Trafficking in Firearms; 26
U.S.C § 5861(e) – Unlawful Transfer of Firearms in
Violation of the National Firearms Act; 18 U.S.C.
§ 922(b)(2) – Unlawful Transfer of Firearms in
Violation of State law; 18 U.S.C. §§ 934(a)(1)(A) &
(B), 924(d)(1), 26 U.S.C. § 5872, and 28 U.S.C. §
2461(c) – Criminal Forfeiture

I N D I C T M E N T

COUNT ONE: [18 U.S.C. § 933(a) – Trafficking in Firearms]

The Grand Jury charges: T H A T

JOSHUA RUIC KIMBALL,
defendant herein, on or about October 13, 2023, in the County of Kern, State and Eastern District of
California, did transfer a firearm, to wit:

(1) an Anderson Manufacturing AM-15 short-barrel rifle, with a barrel of less than 16 inches in
length;

(2) a Dead Air Odessa 9mm suppressor, a firearm silencer; and

(3) A Dead Air Sandman 7.62mm suppressor, a firearm silencer;

to another person in and otherwise affecting interstate or foreign commerce, knowing and having
reasonable cause to believe that the use, carrying or possession of a firearm by the recipient would

1 constitute an offense under Federal or State law punishable by imprisonment for a term exceeding one
2 year, in violation of Title 18, United States Code, Section 933(a).

3
4 COUNT TWO: [26 U.S.C. § 5861(e) – Unlawful Transfer of Firearms in Violation of the National
5 Firearms Act]

6 The Grand Jury charges: T H A T

7 JOSHUA RUIC KIMBALL,

8 defendant herein, on or about October 13, 2023, in the County of Kern, State and Eastern District of
9 California, knowingly and unlawfully transferred a firearm, to wit:

10 (1) an Anderson Manufacturing AM-15 short-barrel rifle, with a barrel of less than 16 inches in
11 length;

12 (2) a Dead Air Odessa 9mm suppressor, a silencer as defined in 18 U.S.C. § 921(a)(25); and

13 (3) A Dead Air Sandman 7.62mm suppressor, a silencer as defined in 18 U.S.C. § 921(a)(25);

14 to another person without following the requirements of 26 U.S.C. § 5812, specifically the requirements
15 of filing an application to transfer and register such firearm, paying the tax to transfer such firearm, and
16 having an approved application prior to the transfer of such firearm.

17 All in violation of Title 26, United States Code, Sections 5861(e), 5812, and 5871.

18
19 COUNT THREE: [18 U.S.C. § 922(b)(2) – Unlawful Transfer of Firearms in Violation of State Law]

20 The Grand Jury charges: T H A T

21 JOSHUA RUIC KIMBALL,

22 defendant herein, on or about October 13, 2023, in the County of Kern, State and Eastern District of
23 California, being a licensed dealer of firearms, willfully sold and delivered a firearm, to wit:

24 (1) an Anderson Manufacturing AM-15 short-barrel rifle; with a barrel of less than 16 inches in
25 length;

26 (2) a Dead Air Odessa 9mm suppressor, a firearm silencer; and

27 (3) A Dead Air Sandman 7.62mm suppressor, a firearm silencer;

28 to another person, in the State of California, where the purchase of and possession of such firearm by the

1 person would be in violation of California Penal Code sections 33215, 33410, and 27540, then
2 applicable at the place of sale and delivery, and knowing and having reasonable cause to believe that the
3 purchase and possession of such firearm by the person would be in violation of such state law.

4 All in violation of Title 18, United States Code, Section 922(b)(2).

5
6 FORFEITURE ALLEGATION: [18 U.S.C. §§ 934(a)(1)(A) & (B), 924(d)(1), 26 U.S.C. § 5872,
and 28 U.S.C. § 2461(c) – Criminal Forfeiture]

7 1. Upon conviction of the offense alleged in Count One of this Indictment, defendant
8 JOSHUA RUIC KIMBALL shall forfeit to the United States pursuant to Title 18, United States Code,
9 Sections 934(a)(1)(A) & (B), any property constituting, or derived from, any proceeds the defendant
10 obtained, directly or indirectly, as the result of such violation and any property used, or intended to be
11 used, in any manner or part, to commit, or to facilitate the commission of such violation.

12 2. Upon conviction of the offense alleged in Count Two of this Indictment, defendant
13 JOSHUA RUIC KIMBALL shall forfeit to the United States pursuant to Title 26, United States Code,
14 Section 5872 and Title 28, United States Code, Section 2461(c), any firearm involved in such offense.

15 3. Upon conviction of the offenses alleged in Counts One and Three of this Indictment,
16 defendant JOSHUA RUIC KIMBALL shall forfeit to the United States pursuant to Title 18, United
17 States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearms and
18 ammunition involved in or used in the knowing commission of the offenses.

19 4. If any property subject to forfeiture, as a result of the offenses alleged in Counts One
20 through Three this Indictment, for which defendant is convicted:

- 21 a. cannot be located upon the exercise of due diligence;
22 b. has been transferred or sold to, or deposited with, a third party;
23 c. has been placed beyond the jurisdiction of the Court;
24 d. has been substantially diminished in value; or
25 e. has been commingled with other property which cannot be divided without
26 difficulty;

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1 it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c),
2 incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of
3 defendant, up to the value of the property subject to forfeiture.

4 A TRUE BILL.

5 /s/ Signature on file w/AUSA

6
7 FOREPERSON

8 PHILLIP A. TALBERT
9 United States Attorney

10 **KIRK E. SHERRIFF**

11 KIRK E. SHERRIFF
12 Assistant United States Attorney
13 Chief, Fresno Office
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